SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1470 *of 2005.*

Petitioner : *Prasiddha Narayan Singh s/o Late Shri Vijai Bahadur Singh,resident of At and post North Jhagara Khand Colliery,District Koria (C.G.).*

VERSUS

Respondents : *1.Singhi Collieries Education Society through its Chairman/Chief General Manager S.E.C.L. Hasdeo Area, District Koria, (C.G.)497448.*

P.R. No. 1462/05
Presented by Shri R.K. Jaiswal
dated 05.04.05

Chairman Cum ManagingDirector S.E.C.L. Seepat Road Bilaspur.

3. *Chief General Manager S.E.C.L. Hasdeo Area At and Post South Jhagara Khand Colliery, District Koria, (C.G.)497448*

4. *Chief Personnel ManagerS.E.C.L. Hasdeo Area At and Post South Jhagara Khand Colliery District Koria (C.G.) 497448*

5. *Principal Higher Secondary, School North Jhagra Khand Colliery District Koria (C.G.)497446*

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS ORDER OR ORDERS DIRECTION OR DIRECTIONS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. No. 1470/2005 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.11.2005.

Shri R.K. Jaiswal, learned counsel for the petitioner.

Shri P.S. Koshy, learned counsel for the respondent s 2to 4.

Shri S.K. Dadsena, learned counsel for respondent No.5.

Heard.

The petitioner was appointed as Lower Division Teacher on 01.02.1996 and was posted at I.E.M. School, North Jhagarkhand Colliery, Koria. The petitioner was confirmed on the said post by order dated 15.04.1978. On 21.06.1988 the petitioner was promoted as Upper Division Teacher and was posted as Head Master in Middle School, Jhimar (Ram Nagar), Anuppur. The date of birth of the petitioner is 04.09.1942 as per the High School Certificate, which is not disputed by either party. The petitioner retired from service on attaining the age of superannuation i.e. 62 years w.e.f. Novermber, 2004.

Learned counsel for the petitioner submits that the petitioner was not given any notice/ intimation with regard to his retirement, as such he continued in the service after November, 2004. Learned counsel further submits that since the petitioner had worked after November, 2004 also, he is entitled to his salary on the post of Head Master till date. Learned counsel for the petitioner also submits that the petitioner has been making his signature regularly in the office record.

Mr. Koshy, learned counsel appearing for respondents 2 to 4 submits that the petitioner retired in the month of November, 2004 on attaining the age of superannuation i.e. 62 years and there is no question of continuation of his service as no work was taken from the petitioner. Learned counsel further submits that the petitioner used to go in the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. No. 1470 / 2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

morning and used to leave the school immediately without performing any work, as such the petitioner is not entitled to any salary after superannuation. The submission of learned counsel for the petitioner that the petitioner had been working even after November, 2004 has been strongly denied by the respondents. The petitioner has not shown any proof to establish that the respondents had taken any work from him. Learned counsel for the respondents further submits that the petitioner had been signing on his own without any requirement and no work was taken from the petitioner after November, 2004.

Shri S.K. Dadsena, learned counsel for respondent No.5 adopts the submissions made by Shri P.S. Koshy, learned counsel appearing for respondents 2 to 4.

Having heard learned counsel for the parties and perused the records, it is admitted that the petitioner retired from the service as Head Master of respondent No.5- School on attaining the age of superannuation i.e. 62 years. The petitioner could not establish that any work was taken from him after November, 2004. Accordingly, the petitioner is not entitled to any salary after the retirement as he has not worked in the school except making his signatures in the office record on his own.

In view of the foregoing, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhy

19/1/06